

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

BRIAN TACK,

Plaintiff,

v.

CASE NO. 06-10941  
HON. LAWRENCE P. ZATKOFF

QUICKEN LOANS INC.,  
ET AL,

Defendants.

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**ORDER DISMISSING PLAINTIFF'S STATE LAW CLAIMS**

Plaintiff filed his Complaint on March 1, 2006. Plaintiff's Complaint contains the following sixteen counts:

- |            |   |
|------------|---|
| Count I    | Violation of the Fair Credit Reporting Act; |
| Count II   | Violation of the Fair Credit Reporting Act; |
| Count III  | Negligence;                                 |
| Count IV   | Violation of the Fair Credit Reporting Act; |
| Count V    | Violation of the Fair Credit Reporting Act; |
| Count VI   | Violation of the Truth in Lending Act;      |
| Count VII  | Violation of the Fair Credit Reporting Act; |
| Count VIII | Common Law Conversion;                      |
| Count IV   | Statutory Conversion;                       |
| Count X    | Negligence;                                 |
| Count XI   | Violation of the Fair Credit Reporting Act; |
| Count XII  | Violation of the Fair Credit Reporting Act; |

Count XIII Violation of the Fair Credit Reporting Act;  
Count XIV Violation of the Fair Credit Reporting Act;  
Count XV Violation of the Fair Credit Reporting Act; and  
Count XVI Violation of the Fair Credit Reporting Act.

*See* Complaint.

The Court has subject matter jurisdiction over Counts I, II, IV-VII, and XI-XVI, because they arise under federal law. *See* 28 U.S.C. § 1331. Counts III, VIII, IX, and X, however, are based upon state law. Although the Court has supplemental jurisdiction over state law claims pursuant to 28 U.S.C. § 1367(a), the Court may decline to exercise supplemental jurisdiction if there are “compelling reasons for declining jurisdiction.” *See* 28 U.S.C. § 1367(c)(4). The Court declines to exercise supplemental jurisdiction over Plaintiff’s state law claims in this matter. The Court finds that the contemporaneous presentation of Plaintiff’s parallel state claims for relief will result in the undue confusion of the jury. *See* 28 U.S.C. § 1367(c)(4); *see also Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994).

Accordingly, IT IS ORDERED that Plaintiff’s state law claims of Negligence (Count III); Common Law Conversion (Count VIII); Statutory Conversion (Count IX); and Negligence (Count X) are hereby DISMISSED without prejudice. The Court retains jurisdiction over Plaintiff’s federal claims (Counts I, II, IV-VII, and XI-XVI).

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: March 23, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on March 23, 2006.

s/Marie E. Verlinde

Case Manager

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